

### **REMARKS**

Responsive to the Office Action mailed February 2, 2009, Applicant provides the following. Claims 1, 22, 24 and 41 are currently being amended, claim 17 is currently being canceled without prejudice, and no claims are currently being added. Claims 15-16, 18-21, 23 and 42 were previously canceled without prejudice. Therefore, claims 1-14, 22 and 24-41 are currently pending in the application. Reconsideration of the pending claims in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

### **Petition for Extension of Time**

Applicant has submitted herewith a Petition and Fee for a Three-Month Extension of Time to extend the period for response to August 2, 2009.

### **Allowable Subject Matter**

Applicant would like to thank the Examiner for indicating that claims 4-14, 27, 29, 31, 33, 35 and 40 are allowed. (Office Action mailed 2/2/09, Office Action Summary, and page 2).

The Office Action indicates that claim 30 is directed toward allowable subject matter and would be allowable if rewritten in independent form. Applicant respectfully requests that this matter be held in abeyance until the remarks and amendments presented herein have been considered.

### **Claim Rejections - 35 U.S.C. §101**

Claims 1-3 have been rejected under 35 U.S.C. 101 as allegedly not falling within one of the four statutory categories of invention. Applicant respectfully traverses these rejections.

Applicant has amended claim 1 to recite “wherein the cutting the box space is performed by a processing unit based apparatus”. This amendment is supported by Applicant’s original

disclosure at least by Paragraph [0043] and FIG. 3 of the published version of Applicant's application (i.e., U.S. Pub. No. 2004/0130637 A1).

Therefore, Applicant asserts that amended claim 1 is now sufficiently tied to another statutory category. As such, the rejection of claim 1 should be withdrawn. Furthermore, the rejections of claims 2-3 should also be withdrawn for at least these same reasons due to their dependence on amended independent claim 1.

### **Claim Rejections - 35 U.S.C. §102**

Claims 17, 22, 24-26, 28, 32, 34, and 36 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Document JP 09-035040 (Seki). Applicant respectfully traverses these rejections.

Independent claim 17 has been canceled without prejudice. As such, the rejection of that claim is now moot.

Applicant has amended independent claim 22 to recite "wherein said image conversion unit reads out, from the plurality of frames, data that correspond to the in-picture position and synthesizes the data at an alpha value according to an attribute value thereof, for each in-picture position". This amendment is supported by Applicant's original disclosure at least by Paragraphs [0077]-[0085], [0108], [0119], [0124]-[0129], and [0138]-[0144] of the published version of Applicant's application (i.e., U.S. Pub. No. 2004/0130637 A1). Independent claims 24 and 41 have been amended in a similar manner.

In the present office action the Examiner asserts that Paragraph [0012] of Seki discloses "synthesizing the first data in a ratio according to an attribute value of the first image". (Office Action mailed 2/2/09, page 5). Applicant respectfully disagrees that these limitations are disclosed by Seki. However, in an effort to advance this application to allowance, Applicant has made the above-quoted amendment. Applicant asserts that Seki certainly does not disclose or suggest synthesizing the data "at an alpha value" according to the attribute value, as is recited in amended independent claim 22.

In addition, Applicant again asserts that Seki's disclosure is directed toward outputting a single still image and not to forming new moving pictures. For example, the Office

Action appears to equate Applicant's claimed "image data output unit" with the "camcorder" of FIG. 1 of Seki. (See e.g. Office Action mailed 2/2/09, page 7, middle paragraph). However, ¶0011 of Seki merely states "a camcorder is used to take the consecutive images that are input to an image processor". Seki's description regarding a camcorder does not support an argument that the synthesized, output images are moving pictures. Accordingly, Applicant believes that it is not reasonable to interpret that the apparatus of Seki outputs synthesized images as moving pictures. Indeed, the Examiner previously admitted that "Seki does not specifically teach forming new moving images by sequentially outputting frames formed in the synthesizing". (Office Action mailed 5/14/08, bottom of page 6).

Furthermore, Applicant hereby repeats its previous argument that Seki's disclosure actually teaches away from forming new moving pictures. Specifically, Seki's Paragraph [0015] says nothing about generating moving pictures. Instead, that paragraph merely states that "the trace cross-sectional image" may be obtained for each of plural objects. Applicant asserts that in the context of the Seki's whole document, "the trace cross-sectional image" means a single still image. There is nothing in Seki that teaches or suggests how the single images might somehow be made into moving pictures, and there is certainly nothing in Seki that teaches or suggests the output of moving pictures along a time axis.

In the present office action the Examiner now asserts that Seki's paragraphs [0015] and [0012] disclose forming new moving images by sequentially outputting at least the first and second frames formed in the synthesizing along a time axis. (Office Action mailed 2/2/09, bottom of page 6 to top of page 7). Applicant respectfully disagrees. As Applicant previously explained, the Examiner's assertion simply does not follow from Seki's paragraph [0015]. Seki's mention of generating a trace image for each object is nothing more than outputting a single still image for each object. Regarding Seki's paragraph [0012], there is similarly nothing in that paragraph that discloses or suggests outputting moving pictures. Specifically, the "object trace", which is an output provided by Seki, is in the form of a still image by its very nature. Applicant asserts that it would be unreasonable to interpret the object trace of Seki as being in the form of moving pictures.

Therefore, because Seki's disclosure is directed toward outputting a single still image, Seki teaches away from forming new moving pictures. This means that the claimed feature would not have been obvious to a person of ordinary skill in the art. As such, the rejections of amended independent claims 22, 24 and 41 should be withdrawn. Furthermore, the rejections of claims 25-26, 28, 32, 34 and 36 should also be withdrawn for at least these same reasons due to their dependence on their respective independent claim.

### **Claim Rejections - 35 U.S.C. §103**

#### **Claims 37-39:**

Claims 37-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Seki in view of Fels et al., entitled "Techniques for Interactive Video Cubism". Applicant respectfully traverses these rejections.

Claims 37-39 depend from amended independent claim 22. Therefore, the rejections of claims 37-39 should also be withdrawn for at least the same reasons provided above due to their dependence on amended independent claim 22.

#### **Claim 41:**

Claim 41 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Seki in view of Okajima (US 2002/0122037). Applicant respectfully traverses these rejections.

Applicant has amended independent claim 41 in a manner similar to independent claims 22 and 24. Therefore, the rejection of claim 41 should also be withdrawn for at least the same reasons provided above for amended independent claims 22 and 24.

**CONCLUSION**

Applicant submits that the amendments and remarks presented herein place all pending claims in condition for allowance and early notification of the same is respectfully requested.

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

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